

G. R. S. IX-5]

Previous references.

Ch- 209-16(1-16)

Pre sent
1917-18

(Courts)

File No. 44-17

Serial Nos. 172

Later references.

As 310-16(207es)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 172

Part B. for September 1917

SUBJECT.

Non-appearance of Mr D. M. Ramachandra Rao, Public Prosecutor, Bangalore Division to conduct the prosecution in two session cases at Tumkur —.

2) To the District Magistrate
Tumkur Dist.

No 8987 of 14-9-17

States that Govt. see no reason to reconsider the order already passed.

WD 88—GPB—50,000—24-7-16

Mrd. Mr. Rahman
25.9.17

GENERAL AND REVENUE SECRETARIAT.

(Court)

NOTES.

File No. 44-17

FILE HEADING.

Non-appearance of Mr. D. M. Ramachandra Rao, Public
Prosecutor, Bangalore Division, to conduct ^{the prosecution in two} sessions
cases at Tumkur.

From

The District Magistrate, Tumkur Dt. (Under the Sessions Judge,
Bangalore Divn.)

No. JC-560/16-17 Dated

14. 8. 17

Received 16. 8. 17

Diary No. J-387

Enclos. ^{three} Spare Copies.

Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards, for favorable consideration as a special case, the
representation of Mr. D. M. Ramachandra Rao, Public Prosecutor, praying that
the fee of Mr. Y. Rama Rao for conducting the cases referred may, in the cases
explained, be paid by Govt. instead of by him as directed in G.O. no. 42334 of 24/5/17.

NOTES AND ORDERS.

Subd for orders with references.

Am
24/8

JCL

2. Mr. Ramachandra Rao prays for
reimbursement of fee order of Govt. of 24. 5. 17

Ch-209-16-6

on the grounds that his explanation was not taken

G. R. S. III-2]

General and Revenue
Secretariat.

ct5 File No. 44 of 1917.

Serial
No.

by telegram order was passed, and that he did not receive the telegram of the Deputy Commissioner before he left for Kumbhari.

9
3) Attention is respectfully invited to Rule (9) under which it is the duty of the Public Prosecutor to arrange for the discharge of his duties in consultation with the D. Commr, in case he has to be absent on urgent private affairs. It is a point for consideration whether a Public Prosecutor leaving the matter entirely in his hands can be considered to be in sufficient compliance with the rule referred to above. When no reply was received, the Public Prosecutor should have arranged with some local Advocate for the conducting the prosecution. (See the Serial No. in ct5 File 34-14).

4) It is also a point for consideration whether Public Prosecutors can give up some work, on account of their private civil work.

5) Mr. Ramachandra Rao himself admits that the responsibility is on him to arrange for the work during his absence, and suggests that the rules may be amended. The Public Prosecutor cannot be treated as a servant for purposes of leave etc, as being taken up private practice and other such matters not at the disposal of the State. This question has been considered.

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Secretariat.

45 File No. 44 of 1917.

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No.

Govt. and ~~the~~ it has been held that lying
cannot have the benefit of the law and is not
in regard to law.

6) The question of increasing the pay of suitable researchers and Ext. Advisors is now pending before the Council, and as soon as it is settled, the existing rules will be revised and submitted for approval.

18
20

List Members

7) I am with the hope you know,
no one has been hurt at the
recruitment yet even though there
is a mistake they may be hurt or
offended -

3/9 *Lee* *h* *52829*

8) Draft Submitted
Am.
5/9/44

9) In favore gapproval

678

List Member)

Draft approved by the First Member
BOS 8.9.17

com

Longway

NOTE—Contn. sheet.

Office of the District Magistrate,
Tumkur District,
Dated, Tumkur, the 10th August 1917.

DIARY No. 93

From

Md. Zahiruddin Mecci, Esqr., B.A.,
District Magistrate,
Tumkur District.

10-10
SECTION
FILE 44-77
CLERK

To

D. M. Narasinga Rao, Esqr., B.A., B.L.,
Secretary to the Government of His Highness the
Maharaja of Mysore, General Department, Bangalore.

Through

The Sessions Judge,
Bangalore Division, Bangalore.

S i r,

Referring to Government Order No. J.4233-4/cts.209-16-6 dated 24th May 1917 directing the bill of Mr. Y. Rama Rao, for conducting the Sessions cases at Tumkur in December last, be paid by Mr. D. M. Ramachendra Rao the then Public Prosecutor of this Division, I have the honour to forward herewith copy of letter addressed by him requesting for a reconsideration of the order in the light of his representation stating among other grounds that neither the Government nor the District Magistrate called for his explanation before the order was passed against him, that he had to act under unavoidable emergent circumstances, and go to Shimoga to conduct certain cases ^{which} ~~and that~~ he had been handling for the past 4 years as he could not secure an adjournment, that he tried to arrange for the conduct of the Sessions among his friends but he failed and that he wrote to the District Magistrate as a last resource and ~~that~~ further that as he did not hear anything in reply, he proceeded to Shimoga.

2. In this office Letter No. D.Dis.99/Jud. of 1916-17 dated 14th December 1916, it is reported that a telegram was sent to him immediately on receipt of his letter requesting the District Magistrate to arrange for the conduct of the cases during his absence. Though that telegram was despatched to him on the 30th November it does not, as

From

The District Magistrate,
Tumkur District.

To

The Secretary to Government,
General Department, Bangalore.
Through The Sessions Judge,
Bangalore Division.

Dated

10th August 1917.

Despatched

Received 14 do 1917.

General No. J. C. 563

No. 16-17

Enclosure No. 1 & 1 bill.

Recommends for the favourable
consideration the representation of
Mr. D. M. Ramachendrea Rao, Public
Prosecutor.

RETARIAT
11
JUDICIAL
16 AUG 1917
GEN. & RC

18 AUG 1917

Court of Session,
Bangalore on
14. 8. 1917
15

Forwarded, with compliments,
to the Secretary to Government,
General Department, Bangalore.

R. H. Kumar
Sessions Judge.
A. 7.

Vo. 723
154

2.

as stated by him, appear to have reached him before he left for Shimoga on the 1st December to enable him to go over here or arrange for the cases himself.

3. Under these circumstances, I request that Government may be pleased as a special case to favourably consider his representation and to pass orders so that the claim of Mr. Y. Rama Rao may be settled early.

I have the honour to be

S i r,

Your most obedient servant,

mlhemalapi. G

by Assistant Commissioner and
1st class Magistrate,
For District Magistrate,
absent from the Station.

From

D. M. Ramachendra Rao, Esqr., B.A., B.L.,
Public Prosecutor, Bangalore Division,
Bangalore City.

To

The District Magistrate,
Tumkur District,
Tumkur,

No.112 dated 17th July 1917.

S i r,

I read with considerable surprise and deep regret both your letter J.C. 560, dated 2nd June 1917, requesting payment of Rs.40/- in settlement of Mr. Y. Rama Rao's bill of fees and Government order J.4233-4 cts 209-16-6 dated 24th May 1917.

I have to observe that I am not aware of what you wrote to Government and it is strange that Government were not pleased to call for my remarks before they passed such stringent remarks against my work. It is greatly to be regretted that Government were not pleased to extend to me that rule of practice which, I believe, is invariably adopted in every case Viz., to call for explanation from an officer before criticising him, for I am sure the Government order would not have been issued if they or you had my representation explaining the circumstances under which I had to leave the conduct of the cases entirely to the hands of the District Magistrate.

Public Prosecutors are never consulted in the posting of Sessions cases. The Tumkur sessions had been posted to the 27th November 1916 on that date and the next one, I had two heavy original suits (civil) at Shimoga which I have been conducting for the past 4 years and as a legal practitioner, it is equally an important duty to attend to them. I put in applications before the Shimoga courts which were pleased to adjourn them to the 5th and 6th December 1916 to suit my convenience, as there was absolutely no likelihood of any other Sessions cases being posted on those dates. About the 19th or 20th November, I learnt that suddenly the Tumkur Sessions had been adjourned and reposted to the 4th December onwards and immediately represented my difficulty to the Sessions Judge who regretted he could not accommodate me by posting them to any other

other dates. I at once wrote to the Shimoga Courts to alter the dates of hearing but as summons had been issued and served, those Courts refused to repost them.

I then came to Bangalore and requested my friends to conduct the Tumkur Sessions but all of them excused themselves. As I was recently transferred to this Division and as I did not know any one at Tumkur, I had to write to the District Magistrate on the 27th November 1916 to make arrangements in the matter and as I myself could not arrange or suggest any lawyer known to me, I left the matter entirely into the hands of the District Magistrate. I left Bangalore on the 1st December 1916 to prepare myself for the Civil cases and as I did not hear anything from you before I left this, I thought that there was no difficulty in the matter at all.

The Government refers to some previous instances but as I do not know those specific instances and the correspondence in them, I am not able to offer any remarks.

I therefore leave it to you, Sir, to Judge whether I could have arranged otherwise and whether I did not act under unavoidable emergent circumstances. I request you to be so good as to recommend to Government that they might be pleased to reconsider their order and ~~be~~ be pleased to ~~provide~~ provide for the payment themselves as a special case.

I do not want to leave this opportunity pass without representing the unworkability of the rules framed for the purpose. The rule were framed long ago when gentlemen who could devote their sole time to this work were appointed as Public Prosecutors. But times have changed and Government adopted the practice of choosing active members of the Bar for the appointment. You^r can realise the difficulties of an active practitioner when he is to absent himself from the scene of his everyday labours for a number of days continuously and to depend entirely upon the bounty of Government, the remuneration is too small indeed. I mention these to show that a more sympathetic consideration ought to be taken of their work, status and difficulties. I would humbly suggest definite rules ma

3.

be framed providing for the absence of Public Prosecutors. It will not do to leave the responsibility on their heads and as in Madras, the District Magistrates themselves may be given the full power to provide for such contingencies and their absence might be treated as leave without allowances. All officers of Government are entitled to privilege leave &c., but in our case, no such concession is shown, although as regards batta &c., we come under the purview of the Civil Service Regulations. I would beg that some provision may be made for leave &c., and also some definite deduction per day may be made in case they have to absent themselves from duty and that Sessions Judges may be requested to consult Public Prosecutors in the posting of cases.

I have &c.,

(Sd) D. M. RAMACHENDRA RAO,

Public Prosecutor.

" C O P Y "

afternoon 6
Offg. Deputy Commissioner,

T.K.N.

6 Tumkur District.

SUBJECT.....

Diary No. of letter replied to... J. 387.....

Section Caut

File No. 44-17.

Serial No. 2

GENERAL AND REVENUE SECRETARIAT

(Caut.)

, the 191 .

No.

2987 Encl D

Date of issue... 14.9.17.....

To .

The District Magistrate,

Signed by

M. G. Srinivasan

Tumkur

Sir

With reference to your letter
no JC 560/16-17 of 14.8.17 forwarding
for favorable consideration as a special
case, the representation of Mr D. N. Rama-
chandra Rao, Public Prosecutor, Bangalore
Division, praying that the bill of Mr
Y. Ramabao for having conducted the
prosecution in certain sessions cases at

may be paid
by government

Tumkur

I am directed to state that
over.

VC
2/9/17

Govt see no reason to reconsider the
order already passed. I am told
that a ^{new} letter from the Public Prosecutor
to the District leaving the matter
entirely in his hands cannot be
regarded as a sufficient compliance
with the rules on the subject and
that when no reply was received from
~~him~~ he should have arranged with
some local Advocate for conducting
the prosecution.

2. The bill of Mr Y. Rama
Pras received with your letter under
reply is herewith returned.

Shaver

73
679 For Secy to Govt
Genl Secy

Recd
8/9

List of enclosures.

Am
579
7/11/16

Copied by

Examined by